

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Iida et al.	Confirmation No.:	1352
Serial No.:	10/586,142	Art Unit:	1633
371 (c) Date:	December 13, 2006	Examiner:	Michael D. Burkhardt
Customer No.:	21559		
Title:	METHODS FOR PRODUCING MINUS-STRAND RNA VIRAL VECTORS USING HYBRID PROMOTER COMPRISING CYTOMEGALOVIRUS ENHANCER AND CHICKEN $\beta$ -ACTIN PROMOTER (as amended)		

REQUEST TO CORRECT NOTICE OF ACCEPTANCE OF APPLICATION

Applicants request that the enclosed Notice of Acceptance of Application be corrected as follows.

Under "The following items have been received:"

Please replace "~~Information Disclosure Statements Filed on 07/17/2006~~" with "Information Disclosure Statements Filed on 01/08/2007."

Enclosed in support of the present request are copies of the following:

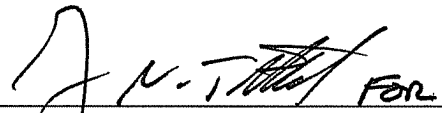
- the incorrect Notice of Acceptance of Application; and
- the Information Disclosure Statement (IDS) including a Certificate of Mailing dated December 29, 2006, as printed from the Patent Application Information Retrieval Image File Wrapper and bearing a stamp indicating receipt by the U.S.P.T.O. of the IDS on January 8, 2007.

The present Request is a re-submission of the Request to Correct Notice of Acceptance of Application filed on May 8, 2007 (see IFW entry in PAIR for May 11, 2007; "Information Disclosure Statement (IDS) Filed"). The Office, to date, has not acted on this Request. Applicants respectfully request that the Office act on present Request.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 29 July 2008

  
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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,142	Akihiro Iida	50026/060001

INTERNATIONAL APPLICATION NO.
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PCT/JP05/00705

I.A. FILING DATE	PRIORITY DATE
01/20/2005	01/22/2004

21559  
CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

**CONFIRMATION NO. 1352**

**371 ACCEPTANCE LETTER**



\*OC000000023199645\*

Date Mailed: 04/03/2007

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>12/13/2006</u>	<u>12/13/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 07/17/2006
- English Translation of the IA filed on 07/17/2006
- Copy of the International Search Report filed on 07/17/2006
- Preliminary Amendments filed on 07/17/2006
- Information Disclosure Statements filed on 07/17/2006
- Biochemical Sequence Diskette filed on 07/17/2006
- Oath or Declaration filed on 12/13/2006
- Biochemical Sequence Listing filed on 07/17/2006
- Request for Immediate Examination filed on 07/17/2006
- U.S. Basic National Fees filed on 07/17/2006

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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**PART 3 - OFFICE COPY**

FORM PCT/DO/EO/903 (371 Acceptance Notice)



TFW

PATENT  
ATTORNEY DOCKET NO. 50026/060001

Certificate of Mailing: Date of Deposit: December 29, 2006

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rachel A. Kamerman

Printed name of person mailing correspondence

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Iida et al.

Confirmation No.: 1352

Serial No.: 10/586,142

Art Unit: 1645

Filed: July 17, 2006

Examiner: Not Yet Assigned

Customer No.: 21559

Title: METHODS FOR PRODUCING MINUS-STRAND RNA VIRAL  
VECTORS USING HYBRID PROMOTER COMPRISING  
CYTOMEGALOVIRUS ENHANCER AND CHICKEN  $\beta$ -ACTIN  
PROMOTER (as amended)

Mail Stop PCT  
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INFORMATION DISCLOSURE STATEMENT

Applicants submit the references listed on the enclosed Form PTO-1449, copies of which are enclosed, with the exception of U.S. patents and U.S. patent application publications. A copy of a search report from a corresponding international application is also enclosed.

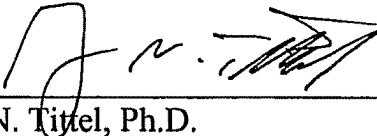
Submission of this statement is not a representation that a search has been made, nor is the inclusion of information in this statement an admission that the information is material to patentability.

This statement is being filed before the receipt of a first Office Action on the merits.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 29 December 2006

  
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Sheet 1 of 3

SUBSTITUTE FORM PTO-1449 (MODIFIED)  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)  (37 C.F.R. § 1.98(b))	Attorney Docket No.	50026/060001
	Serial No.	10/586,142
	Applicant	Iida et al.
	Filing Date	July 17, 2006
	Group	1645
	IDS Filed	December 29, 2006

U.S. PATENT DOCUMENTS			
Examiner's Initials	Document Number	Publication Date	Patentee or Applicant
	5,770,400	June 23, 1998	Miyazaki et al.
	6,645,760	November 11, 2003	Nagai et al.
	6,723,532	April 20, 2004	Nagai et al.
	2002/0169306	November 14, 2002	Kitazato et al.
	2003/0022376	January 30, 2003	Kitazato et al.
	2003/0166252	September 4, 2003	Kitazato et al.
	2003/0170266	September 11, 2003	Kitazato et al.
	2005/0266566	December 1, 2005	Nagai

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION				
Examiner's Initials	Document Number	Publication Date	Country or Patent Office	Translation (Yes/No)
	EP0864645	September 16, 1998	Europe	
	WO97/16539	May 9, 1997	WIPO	Yes
	WO00/70055	November 23, 2000	WIPO	Yes
	WO00/70070	November 23, 2000	WIPO	Yes
	WO03/025570	March 27, 2003	WIPO	Yes
	WO03/093476	November 13, 2003	WIPO	Yes

EXAMINER	DATE CONSIDERED
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.	

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<b>SUBSTITUTE FORM PTO-1449</b> (MODIFIED)  <b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (Use several sheets if necessary)  (37 C.F.R. § 1.98(b))	<b>Attorney Docket No.</b>	50026/060001
	<b>Serial No.</b>	10/586,142
	<b>Applicant</b>	Iida et al.
	<b>Filing Date</b>	July 17, 2006
	<b>Group</b>	1645
	<b>IDS Filed</b>	December 29, 2006

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PLACE OF PUBLICATION)	
	Buchholz et al., "Generation of Bovine Respiratory Syncytial Virus (BRSV) from cDNA: BRSV NS2 Is Not Essential for Virus Replication in Tissue Culture, and the Human RSV Leader Region Acts as a Functional BRSV Genome Promoter," <i>Journal of Virology</i> . 73(1):251-259 (1999).
	Engel-Herbert et al., "Characterization of a recombinant Newcastle disease virus expressing the green fluorescent protein," <i>Journal of Virological Methods</i> . 108(1):19-28 (2003).
	Finke and Conzelmann, "Virus Promoters Determine Interference by Defective RNAs: Selective Amplification of Mini-RNA Vectors and Rescue from cDNA by a 3' Copy-Back Ambisense Rabies Virus," <i>Journal of Virology</i> . 73(5):3818-3825 (1999).
	Fuerst et al., "Eukaryotic transient-expression system based on recombinant vaccinia virus that synthesizes bacteriophage T7 RNA polymerase," <i>Proc Natl Acad Sci USA</i> . 83(21):8122-8126 (1986).
	Garcin et al., "A highly recombinogenic system for the recovery of infectious Sendai paramyxovirus from cDNA: generation of a novel copy-back nondefective interfering virus," <i>The EMBO Journal</i> . 14(24):6087-6094 (1995).
	Harty et al., "Vaccinia Virus-Free Recovery of Vesicular Stomatitis Virus," <i>J Mol Microbiol Biotechnol</i> . 3(4):513-517 (2001).
	Hoffmann et al., "A DNA transfection system for generation of influenza A virus from eight plasmids," <i>PNAS</i> . 97(11):6108-6113 (2000).
	Hoffmann et al., "Rescue of influenza B virus from eight plasmids," <i>PNAS</i> . 99(17):11411-11416 (2002).
	Inoue et al., "An improved method for recovering rabies virus from cloned cDNA," <i>Journal of Virological Methods</i> . 107(2):229-236 (2003).
	Inoue et al., "Nontransmissible Virus-Like Particle Formation by F-Deficient Sendai Virus Is Temperature Sensitive and Reduced by Mutations in M and HN Proteins," <i>Journal of Virology</i> . 77(5):3238-3246 (2003).
	Inoue et al., "A New Sendai Virus Vector Deficient in the Matrix Gene Does Not Form Virus Particles and Shows Extensive Cell-to-Cell Spreading," <i>Journal of Virology</i> . 77(11):6419-6429 (2003).
	Iseni, "Sendai virus trailer RNA binds TIAR, a cellular protein involved in virus-induced apoptosis," <i>The EMBO Journal</i> . 21(19):5141-5150 (2002).
	Ito et al., "Improved Recovery of Rabies Virus from Cloned cDNA Using a Vaccinia Virus-Free Reverse Genetics System," <i>Microbiol Immunol</i> . 47(8):613-617 (2003).
	Kato et al., "Initiation of Sendai virus multiplication from transfected cDNA or RNA with negative or positive sense," <i>Genes to Cells</i> . 1(6):569-579 (1996).

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.	



Sheet 3 of 3

SUBSTITUTE FORM PTO-1449 (MODIFIED)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket No.	50026/060001
		Serial No.	10/586,142
		Applicant	Iida et al.
		Filing Date	July 17, 2006
		Group	1645
(37 C.F.R. § 1.98(b))		IDS Filed	December 29, 2006

## OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PLACE OF PUBLICATION)

	Lerch et al., "Rescue of Human Respiratory Syncytial Virus Subgroup B Viruses From cDNA Using a Plasmid Based Expression System," <i>International Conference on Negative Strand Viruses</i> . June 14-19:154, Abstract 206 (2003)
	Neumann et al., "Generation of influenza A viruses entirely from cloned cDNAs," <i>Proc Natl Acad Sci USA</i> . 96(16):9345-9350 (1999).
	Neumann et al., "A decade after the generation of a negative-sense RNA virus from cloned cDNA – what have we learned?" <i>Journal of General Virology</i> . 83(11):2635-2662 (2002).
	Niwa et al., "Efficient selection for high-expression transfectants with a novel eukaryotic vector," <i>Gene</i> . 108(2):193-199 (1991).
	Radecke et al., "Rescue of measles viruses from cloned DNA," <i>The EMBO Journal</i> . 14(23):5773-5784 (1995).
	Romer-Oberdorfer et al., "Generation of recombinant lentogenic Newcastle disease virus from cDNA," <i>Journal of General Virology</i> . 80(11):2987-2995 (1999).
	Sutter et al., "Non-replicating vaccinia vector efficiently expresses bacteriophage T7 RNA polymerase," <i>FEBS Letter</i> . 371(1):9-12 (1995).
	Takeda et al., "Protective Efficacy of an AIDS Vaccine, a Single DNA Priming Followed by a Single Booster with a Recombinant Replication-Defective Sendai Virus Vector, in a Macaque AIDS Model," <i>Journal of Virology</i> . 77(17):9710-9715 (2003).
	Waning et al., "Roles for the Cytoplasmic Tails of the Fusion and Hemagglutinin-Neuraminidase Proteins in Budding of the Paramyxovirus Simian Virus 5," <i>Journal of Virology</i> . 76(18):9284-9297 (2002).
	Witko et al., "An efficient helper-virus-free method for rescue of recombinant paramyxoviruses and rhadoviruses from a cell line suitable for vaccine development," <i>Journal of Virological Methods</i> . 135(1):91-101 (2006).
	International Search Report (PCT/JP2005/000705).

EXAMINER	DATE CONSIDERED
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.	